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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,866	03/14/2006	Sarah Veelaert	19790-007US1 CER03-0011	6957

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EXAMINER	
QIAN, YUN	

ART UNIT	PAPER NUMBER
4162	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/571,866	VEELAERT ET AL.	
	Examiner	Art Unit	
	YUN QIAN	4162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/3/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims18-38 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasserman et al (US 5,959,102) in view of Kettlitz et al (US 6,235,894).

Regarding claims 18, 26-28, 32-35 and 37, Wasserman '102 teaches a process of improving the starch's organoleptic properties by treating raw starch with metallo-endopeptidase thermolysin (Abst. and col. 1, lines 33-37 and col.8, line 12). However, Wasserman does not specifically teach a method of making a stabilized starch with a hypohalite and hydrogen peroxide.

Kettlitz '894 teaches of making the heat stable starches by reacting starch with active chlorine under alkaline conditions and also discloses the isolation of the treated starch with washing and drying (col. 2, lines 47-62, col. 6, lines 10-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the method of making a stabilized starch of Kettlitz with the process of improving starch's organoleptic properties taught by Wasserman, because the stabilized low-protein starch has wide applications in food and

pharmaceutical industries. Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claims 19, 32, and 35, Kettlitz discloses a method of making purified starch in the presence of active chlorine between 100 to 4000ppm which is encompaased by or encompasses the claimed ranges (col.4, lines 25-29).

Regarding claims 20, 21, 32, 34 and 35, the bleaching temperature (10^0C to 55^0C) taught by Kettlitz '894 (col. 4, line 36) anticipates or is encompassed by the claimed ranges.

Regarding claims 22-24, 32-33, and 35-36, the pH value (between 7.5 and 11.5) taught by Kettlitz '894 (col. 4, line 29) anticipates or is encompassed by the claimed ranges.

Regarding claims 25, 32 and 35, Kettlitz '894 discloses the bleaching required up to 5 hours (col. 4, lines 35-36), which is encompassed by the claimed range.

Regarding claim 29, Kettlitz '894 discloses the purified starch having a high and stable heat viscosity and a cold viscosity (50^0C) (col.6, line 18). The examiner realizes that not all physical properties , i.e. setting properties, are stated in the references. Since the references teach all of the claimed reagents and conditions, therefore, the physical properties of purified starches would expect to be same as instantly claimed.

Regarding claims 30 and 31, Wasserman discloses treating corn starch (co. 9, lines 43-44) and Kettlitz discloses using waxy maize as raw starch for purification as instantly claimed (col.3, lines 48-52).

Regarding claims 32 and 35, Wasserman '102 teaches treating starch having a protein content of (0.24 ± 0.03) % and (0.33 ± 0.03) % (Table 1, col. 13 lines 11-19), which is encompassed by or overlaps the claimed ranges of protein contents.

Regarding claims 38, 40 and 41, Wasserman discloses using these treated starches in food products (co. 9, lines 43-44). Although Wasserman does not specially discloses the composition of stabilized starch in sauces, it would have been obvious for one of ordinary skill in the art at the time invention was made to adjust the composition of stabilized starch, including the claimed ranges, based on the desired thickeners for sauces.

Claims 39-40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasserman et al (US 5,959,102) in view of Kettlitz et al (US 6,235,894) as applied to Claim 18, further in view of Wongsuragrai et al (EP 0823439).

Regarding claims 39-40 and 42, Kettlitz '894 teaches incorporating the purified starches into food products (col.5, lines 1-5). Furthermore, Wongsuragrai '439 points out the low-protein and free-flowing starch can be used as compression filler in tablet (page 2, lines 33-34). The composition of low-protein starch powder are varied, depends on the sources of starches and they are overlap with instantly claims (page 4 the Table and claims 1-7). Therefore, those of starch as treated by Wasserman and Kettlitz to form a tablet would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as suggested by Wongsuragrai.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUN QIAN whose telephone number is (571)270-5834. The examiner can normally be reached on Monday-Thursday, 10:00am -4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ
July 17, 2008

/Melvin C Mayes/
Primary Examiner, Art Unit 1791